

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 31 2003

OFFICE OF
MANAGING DIRECTOR

Ellen Mandell Edmundson
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
Washington, DC 20016

Re: Request for Waiver of FY 2002
Regulatory Fee
Fee Control No. 00000RROG-02-096

Dear Ms. Edmundson:

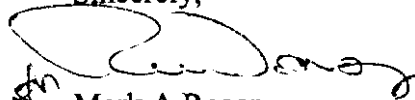
This letter is in response to your request for waiver of the Fiscal Year (FY) 2002 regulatory fee in the amount of \$2,250 submitted on behalf of Mandujano Y Asosiados, Inc. (MAI), licensee of FM station **KPOZ**, Amarillo, Texas.

You recite that **MAI** is in receivership. In support you submit a copy of a court order appointing the receiver on April 26, 2001, which was issued by the 320th Judicial District Court In and For Potter County, **Texas**. You further state that the Commission approved a transfer of control of MAI to the receiver. Based upon this showing, you claim financial hardship and request a waiver of the FY 2002 regulatory fee.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information to show that the licensee was in receivership at the time the FY 2002 regulatory fee was due. Accordingly, your request for waiver of the fee is granted.

If you have **any** questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

00000 RROG-02-096

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

SEP 23 2002
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
RECEIVED
SEP 23 2002
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
MANDUJANO Y ASOSIADOS, INC.)
)
Request for Waiver of FY 2002 Regulatory Fee)
for KPQZ(FM), Amarillo, TX)
(Facility ID No. 39781))

To: The Managing Director

REQUEST FOR WAIVER OF FY 2002 REGULATORY FEE

Mandujano Y Asosiados, Inc. ("MAI"), licensee of FM station KPQZ¹, Amarillo, TX, by its attorney and pursuant to Section 1.1166 of the Commission's rules, hereby respectfully requests the Office of the Managing Director ("OMD") to waive MAI's FY 2002 annual regulatory fee obligation, based on financial hardship. As discussed below, MAI is in receivership.

In support hereof, the following is respectfully shown:

MAI is in receivership in Case No. 87-963-D before the 320th Judicial District Court In And For Potter County, Texas ("the Court"). The current receiver is Roger S. Cox ("Receiver"). Exhibit 1 hereto is a copy of the Court's order appointing the Receiver. The FCC approved transfer of control of MAI to the Receiver

RECEIVED SEP 27 2002

under FCC File No. **BTCH-20010613ADF**. MAI remains in receivership and under the control of the Receiver at this time.

Section 1.1166 of the Commission's rules provides for regulatory fee waivers where in the public interest and for good cause shown. Under current Commission policy, regulatory fee waivers will be granted upon a sufficient showing of financial **hardship**.² The Commission has stated that evidence of bankruptcy or receivership is sufficient to establish financial hardship.³

Evidence that **MAI** is in receivership is attached hereto at Exhibit 1. Therefore, in accordance with the foregoing policy, there is good cause to grant the instant waiver request. In addition, grant of the instant waiver request will serve the public interest by enabling the Receiver to preserve assets of MAI that will accrue to innocent creditors.⁴

¹ It is respectfully noted that a request to change the call sign of the station from KPQZ to KJAZ was filed on September **17, 2002**. For convenience of review of this request, the station is referred to herein **as** KPQZ.

² *Memorandum Opinion and Order*, "Implementation of Section 9 of the Communications Act," 10 FCC Rcd 12759 at para. 14 (1995) ("**MO&O**").

³ *Id.*

⁴ *Mobilemedia Corporation*, 14 FCC Rcd 8017 (1999). Although the *Mobilemedia* licensee sought waiver of application filing fees rather than annual regulatory fees, the public policy to be served – preservation of assets that will accrue to innocent creditors – is the **same**.

WHEREFORE, the premises considered, MAI respectfully requests grant of the instant request for waiver of its FY2002 regulatory fee obligation.

Respectfully submitted,

MANDUJANO Y ASOSIADOS, INC.

By: *Ellen Mandell Edmundson*
Ellen Mandell Edmundson
Its Attorney

Smithwick & Belendiuk, PC
5028 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 363-4050

September 23, 2002

Exhibit 1

IN THE 320TH JUDICIAL DISTRICT COURT
IN AND FOR POTTER COUNTY, TEXAS

SUN BANK, a Texas banking corporation,
Plaintiff,

v.

MANDUJANO Y ASOSIADES, INC.,
Defendant.

§
§
§
§
§
§

No. 87,963-

FILED
CAROLINE WOODBURN
DISTRICT CLERK

2001 MAR 30 P 4: 38

POTTER COUNTY, TEXAS

BY BP DEPUTY

ORDER APPOINTING SUBSTITUTE RECEIVER.

On or about March 2, 2001, ~~Plaintiffs~~ application for appointment of a receiver to liquidate Defendant came on for consideration. All parties appeared through their respective attorneys and consented to the court's hearing of this matter. The court, having read the pleadings, examined the evidence and the prior agreement of the parties, and hearing the argument of counsel, previously determined that a receiver should be appointed as authorized by Article 7.07 and pursuant to Art. 7.05(2) of the Texas Business Corporation Act

By order signed March 5, 2001, the court accordingly appointed Gary Barnard of Amarillo, Texas to serve as receiver; however, he has failed to file a bond or otherwise take any of the steps required of the receiver. Therefore, the court finds it is necessary and appropriate to appoint a receiver to act in the place and stead of Gary Barnard.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that ROGER S. COX, licensed as an attorney at law and residing in Amarillo, Texas, possesses the necessary qualifications, and is not an attorney for or related to any party to this action and is a proper person to be, and he is hereby, appointed Receiver of the Defendant and its assets, conditioned upon the following:

- (a) Pursuant to Rule 695a of the Texas Rules of Civil Procedure, Plaintiff shall file a bond in the amount of \$ 250,000.00, conditioned for the payment of all damages and costs in this such, should it be subsequently determined that the Receiver was wrongfully appointed to take charge of the business of Mandujano Y Asosiades and its assets; and

A CERTIFIED COPY
Page 1 of 3
CAROLINE WOODBURN
District Clerk

ORDER APPOINTING RECENER

786 - 414 By NR

Potter County, Texas

PAGE 1 OF 3

Deputy

ORIGINAL

- copies of all federal income tax returns, IRS 940 withholding returns, and any other tax return or information return provided to the United States Internal Revenue Service during the past two years;
- all franchise tax reports and other informational filings With the Texas Secretary of State or the Taas State Comptroller;
- all stock transfer ledger, shareholder records, or other lists reflecting the name, address, and other contact information of each shareholder of the Corporation;
- a list of all officers and directors of the Corporation as of the commencement of this receivership;
- all bank statements of the Corporation for each of the past twelve (12) months;
- an itemization of all payments to Socorro Medina or Hugo Medina since ~~July~~ ^{January} 1, 2001, including salaries, expense reimbursements, or any other payment or distribution;
- copies of all leases and executory contracts to which the Corporation is a party.

IT IS FURTHER ORDERED that each of the above items shall be delivered to the Receiver or to Russ DeVore, counsel for the Receiver, on or before ~~5:00 p.m.~~ ^{noon}, May ~~4~~ ¹, 2001.

IT IS FURTHER ORDERED that the Receiver and any counsel or agent acting on behalf of the Receiver shall be granted full access to all of the Corporation's facilities, books, and records, whether with or without advance notice, and no officer, director, or employee of the Corporation shall impede that access in any way.

IT IS FURTHER ORDERED that so long as any of the current officers or directors remain in possession or control of the Corporation's broadcast facilities or any other asset of the Corporation, such persons (including, without limitation, Socorro Medina and/or Hugo Medina) shall provide a detailed, written accounting of all daily cash income and expenditures, delivered to the Receiver or his counsel weekly, or before noon on each Monday following the week for which the report is made.

IT IS FURTHER ORDERED that the present officers and directors of the Corporation shall not sell, rent, lease, or otherwise dispose of any asset of the corporation without the express approval of the Receiver or his counsel or by written order of this court as long as this receiver remains in effect.

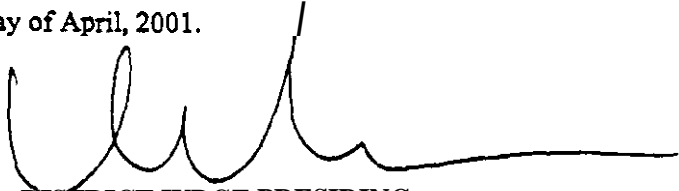
ORDER TO COMPEL REPORTING AND ACCOUNTING

Page 2 of 3
 CAROLINE WOODBURN
 District Clerk
 Potter County, Texas
 1985 AK Deputy

PAOE 2 OF 3

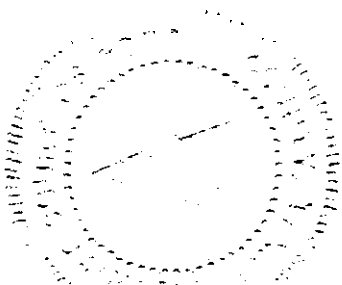
IT IS FURTHER ORDERED that nothing contained in this order is intended to limit or diminish the Receiver's powers in any way, nor is this order intended to express or imply any intent on the part of this court or the Receiver with respect to how long and to what extent the current officers shall be allowed to remain in control of any assets of the Corporation, which shall remain at the sole discretion of the Receiver, subject only to further orders of this court.

SIGNED this 26 day of April, 2001.


DISTRICT JUDGE PRESIDING

I, Caroline Woodburn, Clerk of the District Courts and County Courts at Law, in and for Potter County, Texas, do hereby certify that the foregoing instrument is a correct copy of the original on file in this office.

ATTESTED this 26th day of May 2001
By He Lan Kuper Deputy



A CERTIFIED COPY
Page 3 of 3
CAROLINE WOODBURN
District Clerk
Potter County, Texas

By HK, Deputy

ORDER TO COMPEL REPORTING AND ACCOUNTING

FILED
CAROLINE WOODBURN
DISTRICT CLERK

2001 APR 26 A 10:29

POTTER COUNTY TEXAS

BY HK DEPUTY